

YOUNG v. D.C. RENTAL HOUSING COMMISSION, 752 A.2nd 138 (2000)

Court: D.C. Court of Appeals, opinion by Wagner, CJ.

Judicial History: Individual who was removed from apartment unit by D.C. Police officers brought action against District of Columbia, alleging wrongful eviction, negligence, and deprivation of constitutional rights under 42 U.S.C. § 1983 in connection with an incident in which police officers allegedly assisted occupant's alleged sublessor in evicting him. D.C. Superior Court granted summary judgment for District and occupant appealed.

Facts: Tenant leased an apartment from realty company under the terms of a lease agreement which prohibited tenant from subletting or transferring possession of the premises in whole or in part. Tenant allowed occupant to reside in the apartment with tenant's son, but tenant did not reside in the apartment. When tenant told his landlord that he would be vacating the apartment, and informed the occupant that he would no longer be paying for the apartment, the occupant refused to give up the keys to the apartment or to leave the apartment. After a few days, tenant called the police for assistance in removing the occupant. Police arrived, and told the occupant that he was a trespasser and that he would have to turn over his keys and leave the apartment. Occupant gave up possession of the keys and left the apartment. Occupant thereafter brought an action against the District of Columbia, alleging wrongful eviction, negligence, and deprivation of his constitutional rights under § 1983. The trial court dismissed the wrongful eviction claim, finding that occupant was "arguably a trespasser, wrongfully in possession". The court also dismissed the constitutional claim for lack of evidence to establish a protectable interest, and the negligence claim, for failure to designate an expert witness. Occupant then brought this appeal, and contended that the trial court erred in granting summary judgment.

Holding: The Court of Appeals held that:

- 1.) material disputed issue of fact on wrongful eviction claim precluded summary judgment;
- 2.) expert testimony on standard of care was required with respect to claim for negligent training and supervision;
- 3.) occupant did not have viable § 1983 claim against the District.

Decision: Affirmed in part and reversed in part.